

Concord School District Policy #520

Safe School Zone

Introduction

It is the policy of the Concord School District that all school buildings, property, bus stops and routes and associated areas shall be safe environments for students, free of danger posed by the presence of weapons or conduct which threatens harm or causes injury. It is the policy of the Concord School District that the provisions of RSA 193-D:2, the so-called, Safe School Zone Act, be carried out in all respects. Should any portion of this policy conflict with state law or regulations issued pursuant thereto, it is the intention of the Concord School District that its policy be read in such a manner that it conforms to such law or regulation. This policy replaces the "Weapons Policy" previously adopted by the District.

I. Weapons in the Schools

- A. Weapons (such as but not limited to firearms, explosives, incendiaries, martial arts weapons (as defined by RSA 159:20), clubs, billies, metallic knuckles or containers containing chemicals such as pepper gas or mace) or other objects used as weapons are not permitted on school property, on school buses or at school sponsored activities. "Weapons" shall mean any object whose use at the time or whose primary purpose is to cause or, by intimidation, to threaten to cause, bodily harm or injury to any person. Student violations of this policy will result in both school disciplinary action and notification of the local police. Suspension or expulsion could result.

In addition, any student who is determined to have brought a firearm (as defined by 18 U. S.C. 921) to school without prior written approval will be expelled for not less than one year (365 days). This expulsion may be modified by the Superintendent upon review of the specific case in accordance with other applicable law and district policy.

All students will receive written notice of this policy once each year.

- B. It is the policy of the Concord School District that no person carry a firearm or other weapon on school premises, school buses, or at school-sponsored activities. The only exceptions to this policy are:
1. the necessary carrying of firearms by law enforcement personnel in the event of a safety emergency; and
 2. the occasional display or use of an unloaded firearm or other weapon for educational purposes, and only when the owner has received prior written approval from the school principal. Firearms shall not be kept in vehicles parked on school premises.
- C. Violation of the foregoing policy shall result in the immediate removal of the firearm or other weapon or vehicle containing a firearm, along with the removal of the owner, from the premises. The School District may take additional action, including seeking injunctive orders or involvement of law enforcement as may be necessary.

II. Definitions

- A. "Expulsion" means the denial of a pupil's attendance at school for any of the reasons listed in RSA 193:13, 11 and III on either a permanent basis or for a time specified in statute, rule or regulation.
- B. "Firearm or other dangerous weapon" means any firearm or weapon as defined in section 921 of Title 18 of the US Code, and any weapon prohibited by RSA 159, including but not limited to dangerous weapons listed in RSA 159:16, and any object when used as a weapon.
- C. "Gross misconduct" means an act which:
 - 1. Constitutes a substantial and/or repeated violation of a school rule or policy;
 - 2. Results in violence to another person or property;
 - 3. Poses a direct threat to the safety of others in a safe school zone; or
 - 4. Is identified in RSA 193-D, 1;
- D. "Neglect", in the context of RSA 193:13, 1 and 11, means the failure of a pupil to pay attention to an announced, posted, or printed school rule.
- E. "Pupil" means a child through age 21 in attendance at a school during the school day.
- F. "Refusal", in the context of RSA 193:13, 1 and 11 means the willful defiance of a pupil to comply with an announced, posted, or printed school rule.
- G. "Safe school zone" means "safe school zone" as defined in RSA 193 -D: 1
- H. "School day" means
 - 1. for a pupil who takes the school bus, the time period beginning when a pupil boards the bus in the morning to the time when a pupil disembarks from the bus in the afternoon; and
 - 2. for a pupil who walks to school or arrives by private car, the time period beginning when the pupil arrives on the school grounds to the time when the pupil leaves the school grounds;
 - 3. all pupils are expected to respect the persons and property of other pupils and citizens while traveling to and from school;
 - 4. while school is closed or not in session, pupils entering the premises will conform their behavior to these rules.
- I. "School employee" means any school administrator, teacher, or other employee of any public or private school, school district, school department, or school administrative unit, or any person providing or performing continuing contract services for any public or private school, school district, school department, or school administrative unit.
- J. "School property" means all real property, physical plant and equipment used for school purposes, including but not limited to school playgrounds and buses, whether public or private, and including any premises temporarily used for or by the school district.

- K. "School purposes" means school- sponsored programs, including but not limited to educational or extra-curricular activities.
- L. "Superintendent" means the school superintendent or chief administering officer, or a representative designated in writing as authorized under RSA 193: 13, 1.
- M. "Suspension" means the temporary denial of a student's attendance at school for a specific period of time for gross misconduct or for neglect or refusal to conform to announced, posted, or printed school rules. A short-term suspension is one of 10 days or less. A long-term suspension is a suspension beyond 10 days which may extend to the end of the school year or the next year under certain circumstances.
- N. "Unlawful possession" in RSA 193-D:1, I (e) shall include, but not be limited to:
 - 1. having control over a weapon or an object used as a weapon during any part of a school day;
 - 2. transporting the object to school;
 - 3. storing the object anywhere on the school premises, whether in the student's locker or any other student's locker, or any other place on the premises; or
 - 4. doing any other act which causes or contributes to causing the object to be on school premises, or which causes or contributes to causing an object to be used as a weapon as defined by the School Board.

III. Expulsion for Violent Acts or Weapon Violations

- A. Any pupil who engages in or commits any of the following acts shall be subject to expulsion as described in Section IV below:
 - 1. Homicide under RSA 630;
 - 2. Any first or second degree assault under RSA 631;
 - 3. Any simple assault under RSA 631:2-a.
 - 4. Any felonious or aggravated felonious sexual assault under RSA 632-A;
 - 5. Criminal mischief under RSA 634:2;
 - 6. Unlawful possession or sale of a firearm or other dangerous weapon under RSA 159;
 - 7. Arson under RSA 634:1;
 - 8. Burglary under RSA 635;
 - 9. Robbery under RSA 636;
 - 10. Theft under RSA 637;
 - 11. Illegal sale or possession of a controlled drug under RSA 318-B;
 - 12. Gross misconduct or neglect or refusal to conform to the reasonable rules of the school under RSA 193:13, 11;
- B. Possession of a pellet or BB gun or rifle under RSA 193:13, 111; Any pupil who brings or possesses a firearm as defined in section 921 of Title 18 of the United States Code in a safe school zone as defined in RSA 193-D:1 without written authorization from the

superintendent or designee shall be expelled from school by the School Board for a period of not less than twelve months. Any expulsion shall be subject to review by the superintendent in accordance with district policy if requested by a parent or guardian; and, further, any parent or guardian shall have the right to appeal any such long-term suspension or expulsion by the board to the state board of education. (RSA 193:13, 111)

IV. Disciplinary Procedures

- A. The following levels of discipline are available to school officials in enforcing this policy:
 - 1. Short-term suspension by a principal which lasts between 1 and 10 days;
 - 2. Long-term suspension by the superintendent which lasts longer than 10 days;
 - 3. Expulsion by the School Board for a period determined in writing by the board under RSA 193:13, 11.
 - 4. Expulsion by the School Board for a period of not less than 12 months under RSA 193:13, 111.
- B. The following due process procedures shall be followed:
 - 1. Short-term suspension by the principal:
 - a. The principal shall inform the pupil of the purpose of the meeting;
 - b. Parents and/or the pupil will be given oral or written notice of the charges and an explanation of the evidence against the pupil;
 - c. The pupil will be given an opportunity for the pupil to present his/her side of the story;
 - d. The principal shall provide a written statement to the pupil and at least one of the pupil's parents or guardian explaining any disciplinary action taken against the student.

2. Long-term suspension by the superintendent:
 - a. written communication to the pupil and at least one of the pupil's parents or guardian, delivered in person or by mail to the pupil's last known address, containing notice of the charges and an explanation of the evidence against the pupil;
 - b. The principal's written or oral recommendation for student action to correct the discipline problem;
 - c. A hearing in accordance with V;
 - d. A written decision which includes the legal and factual basis for the conclusion that the pupil should be suspended; and
 - e. The decision may be appealed to the Concord School Board under RSA 193:13, 1. A written letter of appeal should be filed with the superintendent's office within 10 days of the decision.
3. Expulsion by the local School Board:
 - a. A formal hearing shall be held before any expulsion;
 - b. Such hearing may be held either before or after the short-term suspension has expired;
 - c. If the hearing is held after the expiration of a short-term suspension, the pupil shall be entitled to return to school after the short-term suspension has expired and pending the long-term suspension or expulsion hearing;
 - d. The School Board shall provide written notice to the pupil and at least one of the pupil's parents or guardian, delivered in person or by mail to the pupil's last known address, of the date, time and place for a hearing before the board;
 - e. The written notice required by 3. above shall include:
 - i. A written statement of the charges and the nature of the evidence against the pupil; and
 - ii. A superintendent's written recommendation for school board action and a description of the process used by the superintendent to reach his/her recommendation;
 - iii. This notice shall be delivered to the pupil and at least one of the pupil's parents or guardian at least 2 days prior to the hearing.

V. Due Process Hearing Procedures

- A. In all long-term suspensions or expulsions, the following procedures shall apply:
 1. The pupil, together with a parent or guardian, may waive the right to a hearing and admit to the charges made by the superintendent;

2. If the pupil is 18 years of age or older, the concurrence of a parent or guardian shall be unnecessary unless the pupil is subject to a guardianship which would prevent the pupil from waiving the right to a hearing;
 3. Formal rules of evidence shall not be applicable; however, school officials shall present evidence in support of the charge(s) and the accused pupil or his/her parent or guardian shall have an opportunity to present any defense or reply;
 4. The hearing shall be either public or private and the choice shall be that of the pupil or his parent or guardian; provided that the board may at any time convene the hearing in non-public session to protect the rights and privacy of third persons.
 5. During the hearing, the pupil, parent, guardian or counsel representing the pupil shall have the right to examine any and all witnesses; provided, however, that the privacy rights of witnesses shall be respected and witnesses may testify by anonymous statement or other means if their safety is threatened.
- B. The decision of the superintendent or School Board shall be based on a dispassionate and fair consideration of substantial evidence that the accused pupil committed the act for which such long-term suspension or expulsion is to be imposed and that such acts are, in fact, a proper reason for the consequence.
 - C. The decision shall state whether the student is suspended or expelled and shall specify the length of time. If the decision is to expel or suspend the pupil beyond 10 days, the decision shall include the legal and factual basis for the decision.
 - D. The decision shall contain a procedure for how the pupil, parent or guardian, if available, may request a review of the superintendent's or board's action prior to the start of each school year, including procedures for how the superintendent or board will make timely response to the request which shall be no later than 30 days from the receipt of the request. The procedure shall also provide for a transition plan, if applicable, detailing actions the student will be required to take as a condition for re-entry into the school at a date later than the start of the school year.
 - E. In all cases, appropriate adjustments shall be made to account for the age and grade level of the pupil being disciplined.

VI. Appeals and Review

In accordance with RSA 193:13 the following waiver, appeal and review procedures shall be followed:

- A. The decision of the principal in a short-term suspension shall be final.
- B. Process of Appeal to School Board of Superintendent's Decision: Appeals of the superintendent's long-term suspension decision to the concord School Board shall proceed as follows:

1. The request for an appeal must be in writing and given to the Board through the superintendent's office within five school days of the receipt of the decision.
 2. During the pendency of the appeal, the discipline imposed by the superintendent shall take effect;
 3. The Concord Board will determine in each such appeal whether it will review the record and evidence submitted to the superintendent, take limited additional testimony or conduct a de novo hearing. The Chair of the Board (or the committee) shall notify both the administration and the parents or student five days before the hearing as to which course it will take in the appeal.
 4. The appeal hearing shall follow the procedures in Paragraph V, to the extent applicable.
- C. Long-term suspension or expulsion may be appealed to the State Board of Education in accordance with RSA 193:13, 1, II, or III.
- D. All appeals to the state board allowed under RSA 193:13, 11 or III shall be filed within 10 calendar days of the written decision of the local school board and shall be in accordance with RSA 541 -A and Ed 200.
- E. In the case of pursuant to RSA 193:13, 11 and this policy, written application may be made to the board through the superintendent's office no later than one month prior to start of each school year. The application shall contain a statement in the pupil's own words explaining why he/she should be considered for readmission. The application shall be accompanied by at least one recommendation from a member of the community, such as a counselor, minister, or employer who has observed the pupil's behavior during the period of expulsion. The application shall also be accompanied by the superintendent's and the building administrator's recommendation to the board, which may include conditions for phased readmission.
- F. The superintendent may, upon written application of an expelled pupil and on a case-by-case basis, recommend to the board modification of the expulsion requirements of paragraphs IV, (A), (3) and (4) above. Prior to consenting to such a modification, the pupil shall be required to submit to the superintendent sufficient evidence in the form of letters, work history or other documents or testimony demonstrating that it is in the school's best interests and the pupil's best interests to allow a modification. In making such a decision, due regard will be given to other pupils and staff whose safety and well-being shall be of paramount importance.

VII. Notification of Students

In accordance with RSA 193:13 the following notification procedures will be followed:

- A. The student handbooks for Middle School and High School pupils shall contain a summary of RSA 193:13 (as amended) and a summary of this policy. Copies of the statutes and this policy shall be available in the principal's office. Notice of

the policy and the location of copies shall be displayed in a prominent place on each school's notice board.

- B. Copies of the statutes and handbook will be given to all teachers and other school employees.
- C. Copies of the statutes and school policy will be given to any student being disciplined pursuant to its terms.

VIII. Reporting Procedures

- A. In accordance with RSA 193-AA, each written report by a supervisor to the principal relating to an act of theft, destruction, or violence in a safe school zone shall be on standardized form #Ed 317.
- B. The report by a supervisor to a principal on Form #Ed 317 shall contain all the statutory information required by RSA 193-A:4.
- C. Form #Ed 317 shall be completed and filed with the commissioner of education on or before June 30 of each year.
 - 1. Form #Ed 317 shall contain the following information:
 - 2. School name;
 - 3. School address;
 - 4. School telephone number;
 - 5. Name of school principal;
 - 6. Date of incident involving an act of theft, destruction, or violence, or the possession of a firearm;
 - 7. Time of incident in (5) above;
 - 8. Location of incident in (5) above;
 - 9. Alleged offense;
 - 10. Description of incident;
 - 11. Name of suspect;
 - 12. Grade in school of suspect;
 - 13. Address of suspect;
 - 14. Gender of suspect;
 - 15. Name of victim;
 - 16. Grade in school of victim;
 - 17. Address of victim;
 - 18. Gender of victim;
 - 19. Name of employee reporting incident;
 - 20. Date report was completed by employee;

21. Date report was filed with local law enforcement authority by school principal.

IX. Student with an Educational Disability

- A. Any long-term suspension or expulsion of a student with an educational disability as defined in Ed 1102.31 shall be in accordance with Ed 1119.11.
- B. If, under the provisions of Ed 1119.11 (c), the special education placement team determines that the behavior leading to the suspension or expulsion is not a direct result of the student's educational disability, Sections Ed 317.01 through Ed 317.05 shall apply, unless otherwise required by federal law.
- C. In the case of a student with an educational disability who is determined to have brought a firearm or other dangerous weapon into a safe school zone as defined in 18 U.S.C. 921 (a)(3), the federal requirement of section 615(e) of Public Law 101-487 shall apply, and the student may be placed in an interim m. alternative educational setting for the time periods determined by that Public Law.

Adopted February 3, 1997

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